

Remarks

The Examiner is thanked for having graciously held a telephone interview with the undersigned on November 29, 2004.

The application and the rejection of claims 1, 12 and 13 under 35 U.S.C. §112, first paragraph (enablement) in the Office Action of September 2, 2004 were discussed.

It was agreed that claim 12 be amended to incorporate all the elements of claim 13 and claim 13 be canceled without prejudice.

It was also agreed that rejection of claim 1 will be reconsidered in view of the fact that one of ordinary skill in the art would know, from the present specification, how to make a salt from the compound of formulas Ia or Ib without undue experimentation. For example, when the compound of formulas Ia or Ib is an acid, the addition of a base would form a salt of such compound.

Similarly, when the compound of formulas Ia or Ib crystallizes from aqueous solution or from solutions of other solvents, hydrates or solvates of the compound of formulas Ia or Ib may be formed.

In addition, prodrug of the compound of formulas Ia and Ib can be readily prepared using methods known in the art, such as those described by Burger's Medicinal Chemistry and Drug Chemistry, Fifth Ed., Vol. 1, pp. 172-178, 949-982 (1995); Peter Ettmayer et al., "Lessons Learned from Marketed and Investigational Prodrugs," Journal of Medicinal Chemistry, Vol. 47 (10), May 6, 2004; and Beaumont K Webster R et al., Curr. Drug Metab. Vol. 4(6): 461-485, December 2003.

Moreover, the compound of formulas Ia and Ib can be separated into its tautomers using techniques known in the art.

Applicants respectfully submit that based on the description of the present application, one of ordinary skill in the art would be able to make prodrugs and various tautomers of the compound of formulas Ia and Ib without undue experimentation. Therefore, reconsideration and withdrawal of this ground of rejection are respectfully requested.


Claims 1-13 are pending in the present application. Claim 13 is canceled without prejudice and claim 12 is amended to incorporate all the elements of claim 13. The amendments to claim 12 is fully supported by the original specification and do not raise any issue of new matter. Therefore, entry of the present Amendment and Allowance of claims 1-12 are respectfully requested.

CONCLUSION

In view of the claim amendments and the remarks, further and favorable considerations of the presently pending claims and the issuance of a Notice of Allowance with regard to all pending claims are respectfully requested.

It is believed that no fee is required for the consideration of this Amendment. However, if any fees are required, the Commissioner is authorized to charge such fees to our Deposit Account No. 16-1445.

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